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10/554480

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference IERI-N49 PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2004/018072	International filing date (<i>day/month/year</i>) 08 June 2004 (08.06.2004)	Priority date (<i>day/month/year</i>) 09 June 2003 (09.06.2003)
International Patent Classification (IPC) or national classification and IPC G10H 3/00		
Applicant IERYMENKO, Paul, F.		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

	Date of issuance of this report 13 December 2005 (13.12.2005)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Ellen Moyse
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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REC'D 07 NOV 2005

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 03 NOV 2005	
Applicant's or agent's file reference IBR1-N49 PCT	
FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/US04/18072	International filing date (day/month/year) 08 June 2004 (08.06.2004)
Priority date (day/month/year) 09 June 2003 (09.06.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): G10H 3/00 and US Cl.: 84/723, 725, 730, 735, 737.	
Applicant IERYMENKO, PAUL F	

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Date of completion of this opinion 26 October 2005 (26.10.2005)	Authorized officer Marlon T. Fletcher Telephone No. 571-272-2063
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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/18072

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/18072

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-50</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-50</u>	NO
Industrial applicability (IA)	Claims <u>1-50</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-50 lack novelty under PCT Article 33(2) as being anticipated by Ludwig (6,852,919).

Ludwig discloses a system and method for modifying the vibration of at least one string of a multi-stringed instrument in response to preselected player techniques involving characteristic features of the string's motion, comprising; at least one transducer (2202) for providing a sensing output signal in accordance with the motion of the string and for effecting a change of the motion of the string in accordance with the actuating signal; a supervisor for storing the output signals to provide a history of the string motion, for extracting features of the stored signals and for reviewing the extracted features in light of said selected characteristics features to recognize the occurrence of one or more preselected player techniques (column 74, lines 1-10); and a controller (2211) responsive to the recognition of one or more preselected player techniques for applying an actuating signal to the transducer to modify the string's motion (column 38, lines 8-30). Ludwig also discloses at least one transducer comprises at least one sensing/actuating transducer arranged to produce the sensing output signal and respond to the actuating signal during separate portions of successive time frames (column 36, line 40 through column 37, line 16). The motion of the string undergoes vibrato as one preselected technique (column 16, lines 20-33). The rate at which the string motion undergoes vibrato is provided by processor (2211). Inherently the effects provided would also include glissando. Inherently new notes are provided based on the processing.

Claims 1-50 the criteria set out in PCT Article 33(4), and thus provide industrial applicability because the subject matter claimed can be made or used in industry.